UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,793	01/15/2004	Jordi Albornoz	ROC920030291US1	5432

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action **Before the Filing of an Appeal Brief**	Application No. *10/757,793*	Applicant(s) ALBORNOZ ET AL.	
	Examiner MICHAEL PHAM	Art Unit 2167	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>09 September 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *none*.

   Claim(s) objected to: *none*.

   Claim(s) rejected: *9-13 and 25-31*.

   Claim(s) withdrawn from consideration: *none*.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/John R. Cottingham/
Supervisory Patent Examiner, Art Unit 2167

Claim status:
Claims 9-13 and 25-31 are unamended since final action.

Applicant's traverse the 112 first paragraph by providing citation from the specification. The 112 first paragraph would be correspondingly withdrawn.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed 9/9/08 have been fully considered but they are not persuasive. Applicant's assert the following in regards to claims 9, 25, and 13.

A. That nothing in Gupta describes both a current version and a subsequent version of the same document as claimed. Asserting that more simply put, the term version referred to in the present claims, refer to an annotated data source where the substantive content of the data source has been modified between a current version and a subsequent version of the data source. That mainly, the low and high resolution copies of gupta, makes no sense to refer to one copy as a current version and another as a subsequent one.

In response, the examiner respectfully disagrees that the cited references do not teach the claimed limitations.
In regards to it does not make sense to refer to one copy as a current version and another as a subsequent one, and that there is nothing in regards to a current version and subsequent version. The examiner respectfully disagrees. Gupta discloses a problem of because annotations added by a user to one particular version of the multimedia content would be associated with that version and would not be available to users being presented with other versions, see col. 2 lines 28-33. In particular it can be construed that the one particular version is a current version and the other versions are subsequent versions. Accordingly, Gupta discloses the asserted current version (particular version) and subsequent versions (other versions).
Furthermore, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case Applicant's only assertions are directed to Gupta and Glass. However, it should be further noted that Bargeron further teaches and more explicitly notes that there is a current version of a document and a subsequent version as Bargeron discloses 0013, an original document (current version)and an original document takes a new layout as a result of being edited (subsequent version).

B.   Gupta does not disclose where annotations made for a current version of a document are selectively applied to subsequent versions of that document according to an annotation version policy.
In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As above, Gupta discloses applying annotations to a current version and subsequent version. However, based on the rejection, Gupta merely did not disclose the annotation versioning policy. Glass on the other hand, disclosed an document annotation policy, where after training the system on how to apply the annotations to documents, an annotation policy is used on subsequent documents. Therefore, the combination discloses annotations made for a current version of a document are selectively applied to subsequent versions of that document according to an annotation version policy. It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have applied the disclosure of Glass for the purpose of annotating documents more quickly.

C.   That claims 9 and 25 further recite "a current version of a document" and "a subsequent version of a document". That the claims recite a specific relationship between versions of the same document. That Gupta disclosing two different formats does not disclose different "version" having the claimed relationship.

In response, the examiner respectfully disagrees. The documents are the same, the version of the document is different as they can be viewed in different formats.

D.   That "at least one of the annotation versioning policies dictates that an authorized user must validate an annotation created for a current version of a document before the annotation is applied to subsequent versions of the document". That this is because, verifying the portion of the current document where the annotation should be made is simply not the same as validating, by an authorized user, an annotation made to the current version of the document before applying the annotation to subsequent versions of the document.

In response, the examiner respectfully disagrees. Col. 1 lines 64-65, also provide that annotations can be added by anyone with appropriate access rights to the annotation system. In other words, verifying the portion of the current document where the annotation should be made is validating by an authorized user because in order to add an annotation you should have the appropriate access rights. In other words, Gupta discloses a rule for annotations applied to versions of documents as access rights

E.   That the annotation policies dictate how an annotation created for a current version of the document are applied to one or more subsequent versions of the document.

In response, the examiner respectfully disagrees that the cited references do not teach the annotation policies dictating how an annotation created for a current version of the document are applied to one or more subsequent versions of the document.
It was stated in the office action that Glass disclosed annotation versioning policies.
Gupta discloses a problem of because annotations added by a user to one particular version of the multimedia content would be associated with that version and would not be available to users being presented with other versions, see col. 2 lines 28-33. Accordingly, Gupta

discloses the current version (particular version) and subsequent versions (other versions). Gupta further discloses applying annotations to the particular version and other versions. However, Gupta did not explicity disclose using a document annotation policy to do it. Glass disclosed A trained document annotator may judge the contents of a document and semantically label its contents by applying human reasoning and, as needed by referring to a document annotation policy, thereby saving time and effort. In other words, Glass disclosed a document annotation policy (annotation versioning policy) that apply to documents.
Therefore, the combination discloses annotation policies dictate how an annotation created for a current version of the document are applied to one or more subsequent versions of the document.

Furthermore, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case Applicant's only assertions are directed to Gupta and Glass. However, It should further be noted that Bargeron discloses this limitation also. See 0014 lines 17-23. Accordingly, annotation policies (clean-up rules) dictate how an annotation (annotation) created for a current version of the document (document) are applied to (formalized versions of the annotation) one or more subsequent versions of the document (document modified).

In summary, the cited references disclose the main assertions that an annotation versioning policy dictating how annotations made for the current version of a document are to be applied to a given subsequent version is disclosed by the cited combination.

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